

United States District Court, Eastern District of Washington
Magistrate Judge Mary K. Dimke
Yakima

**USA v. JOSE MARIA LOPEZ
ORDUNO**

Case No. 4:19-MJ-7168-MKD-1

**Detention Hearing and Preliminary Hearing on
Complaint:**

12/27/2019

- ☒ Pam Howard, Courtroom Deputy [Y]
- ☒ Erica Helms, US Probation / Pretrial Services
- ☒ Defendant present in custody USM

- ☒ Michael Murphy, US Atty
- ☒ Jeremy Sporn, Defense Atty
- ☒ Interpreter Cristina Perez Lopez

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- ☒ Defendant continued detained

- ☐ Conditions of Release imposed
- ☐ 199C Advice of Penalties/Sanctions

REMARKS

Detention Hearing:

USA proffered the facts regarding this Defendant's arrest and the pretrial services report and concurs with its recommendation of continued detention of the Defendant. USA argued why the Court should detain the Defendant and why there are no conditions of release which will reasonably assure Defendant's appearance as required and/or the safety of any other person and the community.

Defense counsel argued why the Defendant should be released including Defendant's ties to this community, Defendant's employment history, and he has permanent legal residence status. Defense argues there is no violence alleged, all firearms have been seized and has a proposed residence plan.

Court colloquy with Defense regarding the facts alleged in the Complaint.

USA presents reply argument.

Court colloquy with USA regarding allegations of plans by this Defendant and the co-defendant to flee to Mexico. USA does not have any information for the Court regarding this allegation.

Preliminary Hearing:

Testifying for USA: John D'Aquila, FBI SE Washington Safe Streets Task Force Officer. Agent D'Aquila was sworn in and testified.

Direct examination by USA.

Government identified its proposed Government Exhibit 1, Affidavit in Support of Criminal Complaint at ECF No. 1 and moved to admit the same: Defense objects – overruled. Government Exhibit 1 - marked and admitted by the Court.

Cross examination by Defense.

Court colloquy with agent.

Continued cross examination by Defense.

Witness excused by the Court.

USA argues the Court should find probable cause Defendant committed the alleged crimes.

Defense argued USA has not established probable cause as to this Defendant to the alleged crimes as charged in the Complaint.

The Court ordered:

1. USA's Motion for Detention is granted. Defense has not overcome the rebuttable presumption of detention and there is no combination of conditions to assure the Defendant's appearance as required or conditions to ensure that Defendant is not a danger to the community.
2. Based on the proffer of the government, the Court found probable cause to believe that the charged offense was committed and believes the Defendant committed it. Defendant—on finding of probable cause—is bound over to the United States District Court for trial.
3. Defendant shall be detained by the U.S. Marshal until further order of the Court.